

**MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF JASPER  
AUGUST 25, 2009**

The Board of Public Works and Safety of the City of Jasper, Indiana, met in regular session on Tuesday, August 25, 2009, in the Council Chambers of City Hall located at 610 Main Street.

**CALL TO ORDER**

Presiding Officer Mayor William J. Schmitt called the meeting to order at 8:00 a.m.

**ROLL CALL**

Mayor William J. Schmitt	Present
Board member Thomas R. Schmidt	Present
Board member Ambrose 'Butch' Schitter	Present

Also present were Police Chief Douglas Tarvin, Street Commissioner Raymond Eckerle, City Engineer Chad Hurm, Building Commissioner David Seger, Fire Chief Kenneth Hochgesang, Personnel/Safety Director Charles Schneider, City Attorney Sandra Hemmerlein and Clerk-Treasurer Juanita S. Boehm.

Clerk-Treasurer Juanita Boehm announced that in order to have a quorum for the meeting, a majority of the board members must be present. All three board members were present; therefore, there was a quorum for the meeting.

**PLEDGE OF ALLEGIANCE**

Mayor Schmitt invited all those present to join him in reciting the Pledge of Allegiance.

**APPROVAL OF THE MINUTES**

The board members examined the minutes of the regular meeting held on August 11, 2009. A **motion** was made by Ambrose 'Butch' Schitter and seconded by Thomas Schmidt to approve the minutes as published. Motion carried 3-0.

**BIDS - 4th STREET IMPROVEMENT PROJECT**

Brad Eckerle, representing CrossRoad Engineers Inc, gave a brief description of the 4<sup>th</sup> Street storm sewer and sidewalk improvement project. The notice to bidders appeared in the Herald on August 7 and on August 14, 2009. Mayor Schmitt commented that the bids will be opened at this meeting and the board will make a recommendation to the Council who will then accept a bid at the September 23, 2009 Council meeting. City Attorney Sandra Hemmerlein then opened and read the following bids that contained a Form 96 and a bid bond:

Concrete Pavers, Inc.,	\$135,881.33
Messmer Mechanical, Inc	\$198,904.00
J.H. Rudolph	\$221,961.00
Knies Construction	\$151,410.65
Quality Craft Construction	\$176,427.94
Ragle, Inc	\$209,918.81

A **motion** was made by Thomas Schmidt and seconded by Ambrose ‘Butch’ Schitter to take the bids under advisement and have CrossRoad Engineers review and make a recommendation to the Board of Public Works and Safety who will then make a recommendation to the City Council. Motion carried 3-0.

#### **BRAMES ROAD FIRE STATION PARKING LOT BIDS**

City Engineer Chad Hurm gave a brief description about replacing the existing parking lot at the fire station on Brames Road. A Notice to Bidders appeared in the Herald on August 8 and on August 15, 2009. City Attorney Sandra Hemmerlein then opened and read the following bids that contained a Form 96 and a bid bond:

Concrete Pavers, Inc	\$68,346.50
Jasper Lumber Co	\$48,465.00
Krempp Lumber Co	\$76,750.00
Rivertown Construction, LLC	\$59,375.00

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to take the bids under advisement and have the city engineer and the fire chief review and report back at a future meeting. Motion carried 3-0.

#### **QUOTES FOR PULVERIZER/SCREENER BUCKET**

Street Commissioner Raymond Eckerle said he sought quotes for a pulverizer/screener bucket. Eckerle said this item is a hydraulic pulverizer attachment that would pulverize dirt and leaves for back filling. He said he sought quotes from two companies that make this item. City Attorney Sandra Hemmerlein opened the following quote:

Ken Burns Inc.	\$26,000.00 base bid
	+ 500.00 freight
	\$26,500.00 total bid

Allu	No quote received
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A **motion** was made by Mayor Schmitt and seconded by Ambrose ‘Butch’ Schitter to take the quote under advisement and have the street commissioner check for accuracy and report back at a future meeting. Motion carried 3-0.

#### **KIDS DAY**

Mayor Schmitt read a request that was received from Ann Recker, President of the Greater Downtown Jasper Business Association, asking permission to use the sidewalks around the Square for the annual Kids Day event on October 6, 2009 from 9:00 a.m. 2:00 p.m. with set up beginning at 8:00 a.m. This event allows kids from Kindergarten through 12<sup>th</sup> grade to buy, sell, or trade their goods. The driving lanes around the Square will remain open to traffic.

Street Commissioner Raymond Eckerle noted that October 6, 2009 was on a Tuesday and in previous years the event was held on a Saturday.

Thereafter, a **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to approve the use of the downtown area and the side walks around the Square for Kids Day on October 3, 2009 from 8:00 a.m. to 2:00 p.m. Motion carried 3-0.

### **POLE BANNERS ALONG COLLEGE AVENUE**

Arts Director Kit Miracle, along with Chad Flannery representing Vincennes University Jasper Center [VUJC], asked permission to hang banners on the light poles along College Avenue. Miracle showed photos of the banners. The arts banner will be on one side of the pole and VUJC's banner will be on the other side. They have twenty five banners so any extra banners will be placed in the parking lots.

Mayor Schmitt was concerned whether the electric department thought the banners would interfere with the light pole if a strong wind blows. Miracle said she spoke with Electric Distribution Manager Jerry Schitter and he was okay with these banners being hung on the light poles because these banners are the same size that VUJC currently has hanging on some light poles in that area.

A **motion** was made by Thomas Schmidt and seconded by Ambrose 'Butch' Schitter to approve the request of VUJC and the Arts Department to hang banners on the light poles along College Avenue. Motion carried 3-0.

### **WEED LETTER COMMENTS**

John King, 161 Schuetter Road, said he received a weed abatement notice for Lot 6 where his house is located. The next day he received a letter stating he should put Lots 4 through 7 in compliance. Code Enforcement Officer Kenny Hochgesang explained why the second notice was sent. King said his house is located on a thirty degree hill and he wants to change it so he has a flat back yard. He said he had about forty truck loads of dirt delivered but with the record cold July the property could not dry out so trucks could deliver dirt without getting stuck. The dirt piles have not been smoothed down and weeds are growing. He then showed a diagram of the layout of the area. King said since Parcel 143 and 144 can only be seen by two neighbors, he asked if 143 and 144 could be exempted from the Code for the rest of the season.

Mayor Schmitt told King the City looks for compliance around residential areas so as long as you have the area around your house in compliance which I would consider is Lots 4, 5, 6, and 7, then I would be glad to make a visit out there. Schmitt added that he does not want the area to become a construction dumpsite. Schmitt concluded by saying we will make a trip out there and survey the area.

### **COMMUNITY ENRICHMENT EVENT AT BOHNERT PARK**

Jason Harris, Lead Pastor at First Baptist Church, asked permission to hold a public event at Bohnert Park and use the shelter house on September 26, 2009 from 2:00 p.m. until dark, around 8:30 p.m. Harris said this is a Community Enrichment Project and he estimated approximately 125 people will attend. He said there will be some music and activities for youth and for adults. He also stated there would not be a band but they would use a portable music system.

A **motion** was made by Mayor Schmitt and seconded by Ambrose ‘Butch’ Schitter to approve the request of Rev. Harris to use Bohnert Park on September 26, 2009, from 2:00 p.m. until dark. Motion carried 3-0.

### **RIGHT-OF-ENTRY AGREEMENT**

Street Commissioner Raymond Eckerle said the City needs to obtain a right-of-entry to the Sternberg Brothers Rental property along 4<sup>th</sup> Street for construction activities for the 4<sup>th</sup> Street side walk and storm sewer improvement project. He said a Right-of-Entry Agreement has been prepared and signed by the grantor, Kenneth Sternberg. Eckerle said Sternberg is aware of what the City is doing and he gives 100% support for the project. City Attorney Sandra Hemmerlein said this document is a short term agreement that the Board needs to approve. She added that the document will not be recorded.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to approve and enter into the Right-of-Entry Agreement with Sternberg Brothers Rentals for the 4<sup>th</sup> Street sidewalk and storm sewer project. Motion carried 3-0.

### **LANDFILL POST CLOSURE**

Street Commissioner Raymond Eckerle said he met several times with a representative from August Mack Environmental Inc who is assisting the City with the landfill post closure. They are asking the City to sign off on a document that says we feel we have met the post closure requirements and request IDEM to end our post closure.

A **motion** was made by Mayor Schmitt and seconded by Ambrose “Butch” Schitter to approve the signing of the Jasper City Landfill Post-closure Care Requirement Completion Certification letter to IDEM dated August 18, 2009 and authorize the Mayor to sign the document. Motion carried 3-0.

### **STREET DEPARTMENT REPORTS**

**Culvert replacement.** Street Commissioner Raymie Eckerle said the County is working on replacing a structure at the old Mauck Supply entrance on Meridian Road. They will need to close the road for about 4-6 weeks. Bids maybe let in September.

**Recycle Glass.** Street Commissioner Eckerle stated 84.6 tons of recyclable clear glass has been gotten rid of for \$15.00 per ton and we received \$1,269.00. The storage bin has been emptied.

### **QUOTES – CRACK SEALING MACHINE**

Street Commissioner Raymond Eckerle said he reviewed the quote for a crack sealing machine that was taken under advisement at the last meeting and recommends accepting the quote submitted by Leader Machinery Company for a price of \$32,250.00 after the trade-in.

A **motion** was made by Mayor Schmitt and seconded by Ambrose ‘Butch’ Schitter to accept the quote from Leader Machinery Company for a 2009 Cimline 110 Melter/Applicator for a net price of \$32,250.00. Motion carried 3-0.

### **CLOSE GUN CLUB ROAD**

Street Commissioner Raymond Eckerle asked permission to close Gun Club Road in order to make storm sewer repairs at University Drive and Gun Club Road. Gun Club Road is the only road entry into College View Estates. A temporary rock road will be built around the Ken Schmidt property for a go around. City Attorney Sandra Hemmerlein stated right-of entry or a construction easement is needed. Thomas Schmidt said he will contact Ken Schmidt.

A **motion** was made by Thomas Schmidt and seconded by Ambrose ‘Butch’ Schitter to approve the request to close Gun Club Road within the next month in order to repair the storm sewer. Motion carried 3-0.

### **HIGH WEED COMPLAINTS**

Fire Chief Kenneth Hochgesang reported to the board the names of property owners and the locations that have been cited under 5.12.040 weed removal/notice. The names and location are as follows:

<b>Owner</b>	<b>Location</b>
Judith E. Peavler	Adam Blessinger 1st Lot 2
Marlyn L. Bean	PT N ½ & PT SW NE PT SE NW 26-1-5
Shane A. Fellers	817 E 15 <sup>th</sup> Street, Buechlein Ct Lots 8,9,10

### **COMPREHENSIVE PLAN MEETING**

Building Commissioner David Seger reported that a committee for the Comprehensive Plan that will be the “eyes and ears” has been formed. The next stackholder interviews will be held at the train depot. Seger asked permission to use the train depot on Wednesday, September 16, 2009, from 9:30 a.m. to 5:30 p.m. in order for the consultants to conduct the interviews.

A **motion** was made by Mayor Schmitt and seconded by Ambrose ‘Butch’ Schitter to authorize the use of the Train Depot for the purpose of holding the stackholder interviews on Wednesday, September 16, 2009, with no fee charge. Motion carried 3-0.

### **MILL PROJECT EXTENSION OF TIME CHANGE ORDER**

City Engineer Chad Hurm presented a change order request from Universal Designs. Craftsman Construction wants to extend the contract deadline for the Mill project from July 31, 2009 to September 18, 2009.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to approve the change order request for a contract extension of time for Craftsman Construction. Motion carried 3-0.

### **MILL PROJECT CHANGE ORDER REQUESTS**

City Engineer Chad Hurm presented three change order requests for the Mill project from Universal Designs. They are as follows:

1. \$1,625.00 - Paint the exterior side of all the exterior windows as required
2. \$1,600.00 - Remove existing interior window on the East wall of the flour milling room and replace it with a wood door with threshold to match existing interior doors

3. \$1,068.00 - Provide all labor and materials to install 2, 6'8" aluminum handrails for a ramp on the East side exit

Mayor Schmitt said the work has not been done for the last two change order requests and the items were not in the plans. He feels the door is not necessary and we need to watch what change orders are allowed because the grant has been maxed out.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to deny the last two change order requests in the amounts of \$1,600.00 and \$1,068.00. Motion carried 3-0.

Referring to the first change order request for \$1,625.00, Mayor Schmitt said the work has already been done but we need to know why it was not included in the original plans.

A **motion** was made by Mayor Schmitt and seconded by Ambrose 'Butch' Schitter to table the change order request for \$1,625.00 for paint work completed at this time. Motion carried 3-0.

#### **BIDS - 4th STREET IMPROVEMENT PROJECT CONTINUED**

Brad Eckerle with CrossRoad Engineers said he and Nathan Held with Indiana 15 Regional Planning Commission reviewed the bids opened earlier for the 4<sup>th</sup> Street Improvement project. Eckerle said they recommend accepting the low and most responsible and responsive bid that was submitted by Concrete Pavers, Inc of Evansville, Indiana for \$135,881.33.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to recommend to the Council that they accept the low bid of \$135,881.33 submitted by Concrete Pavers, Inc provided it is approval by the Indiana Office of Community and Rural Affairs through the OCRA grant and subject to the release of funds. Motion carried 3-0.

#### **EASEMENTS**

City Attorney Sandra Hemmerlein presented the following easements for acceptance and approval:

##### *Grant of Permanent Electric Utility Easement*

Mary Ann Kieffner – Part of Lot 192 in the Badendorff IV Subdivision

##### *Grant of Permanent Utility Easement*

Kerstiens Homes & Designs, Inc by Todd Kerstiens, President and Jerome J. Kerstiens, Vice-President – Part of Lot 3 in Man Acres Estates

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to approve and accept the easements as described by the City Attorney. Motion carried 3-0.

**ADJOURNMENT.** There being no further business to come before the board, a motion was made by Thomas Schmidt and seconded by Ambrose ‘Butch’ Schitter to adjourn the meeting. The motion carried 3-0 and the meeting adjourned at 9:29 a.m.

The minutes were hereby approved \_\_\_\_ with   X   without corrections or clarification this 8<sup>th</sup> day of September, 2009.

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**Mayor William J. Schmitt**  
**Presiding Officer**

**Attest:**

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**Juanita S. Boehm, Clerk-Treasurer**

Margaret A. Kress, Recording Secretary